

REMARKS

By this Amendment, Applicant adds claims 23 and 24. No new matter is added.

Accordingly, claims 1-6 and 8-24 are all the claims pending in the application. Reconsideration and allowance of claims 1-6 and 8-24 are respectfully requested in view of the following remarks.

I. Prior Art Rejections

Claims 1-6 and 8-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,549,921 to Ofek (hereinafter "Ofek") in view of U.S. Patent No. 6,480,962 to Touboul (hereinafter "Touboul"). Applicant respectfully traverses this rejection because the references fail to teach or suggest all of the elements as set forth and arranged in the claims.

Specifically, Ofek in view of Touboul does not disclose or suggest "wherein receipt of any data from the data communications network is limited to the first computer [and] wherein transmission of any data to the data communications network is limited to the second computer," as recited in claim 1.

The Examiner contends that Ofek teaches the above-noted limitation of claim 1, citing Ofek at col. 4, lines 1-22 and lines 23-41, because in Ofek "the copy program is disabled thereby isolating the second data storage facility from the first data storage facility . . . [and a] backup operating mode is established whereby the second disk storage facility is isolated from the first disk storage facility." See page 3 of the Office Action. Applicant respectfully disagrees with the Examiner's interpretation of the Ofek reference.

Ofek teaches “[a] backup operation [which] begins by using the system manager 50 to block communications through the remote link directors 30 and 33 and communications link 12.” See col. 9, lines 21-23. In other words, in backup mode, there is no communication between the local system 10 and the remote system 11 via the communications link 12.

However, Applicant respectfully submits that limiting the operation of a computer to only receipt or transmit data form or to a data communications network, as required in claim 1, is clearly different from blocking [all] communications between a local and a remote system, as taught by Ofek.

Furthermore, in the “normal mirror mode,” the local system 10 transmits data to the remote system 11 and receives acknowledgement signals from the remote system 11. See FIG. 1 and col. 8, lines 43-63. In the “return to normal operating mode,” the system manager 50 of the remote system 11 reestablishes the connection through the communications link 12, and thereafter the local system 10 transmits data to the remote system 11. See FIG. 1, col. 10, lines 29-32 and col. 11, lines 28-32.

Applicant submits that a person of ordinary skill in the art would have interpreted acknowledgement signals and the signals send by the system manager 50 through the communications link 12 to the local system as control data. Such control data is sent, for example, from the remote system 11 to the local system 10.

In other words, contrary to the requirements of claim 1, in Ofek, both the local system 10 and the remote system 11, receive and transmit data via the communication link 12. See arrows of communications link 12 in FIG. 1, indicating data transmission in both directions.

Therefore, Ofek does not disclose or suggest “wherein receipt of any data from the data communications network is limited to the first computer [and] wherein transmission of any data to the data communications network is limited to the second computer,” as recited in claim 1.

Touboul does not remedy the deficiencies of Ofek. As a result, Ofek in view of Touboul does not disclose or suggest all of the elements as set forth and arranged in claim 1. Therefore, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. § 103(a) be reconsidered and withdrawn. Independent claim 6 recites analogous features as claim 1 and is patentable for analogous reasons as claim 1.

Claims 2-5 and 8-22 depend from claims 1 and 6 and are patentable at least by virtue of their dependencies.

Dependent claims 5 recites, and claim 21 analogously recites “an independent, redundant third computer . . . wherein the second computer is configured to match with the third computer by comparing the second work result of the second computer with a third work result of the third computer.” The Examiner alleges that Ofek teaches this limitation of claims 5 and 21. *See* page 5 of the Office Action.

In Ofek, the third system provides “a second mirror of the data in the first system.” *See* col. 11, lines 52-54. In other words, the third system in Ofek does not mirror the second system. Instead, both the second and the third system mirror the first system in parallel. However, a computer system providing a second and a third system for a parallel mirroring of a first system is clearly different from a computer system, in which a first computer is configured to match

with a second computer and a second computer is configured to match with a third computer, as required in claims 5 and 21.

Dependent claims 10 and 16, *inter alia*, recite “wherein connection between the first computer and the second computer forms an internal network of the computer system and wherein the data communications network is an external network with respect to the computer system.” The Examiner alleges that Ofek teaches this limitation of claims 10 and 16, citing col. 3, lines 44-54. *See* page 7 of the Office Action.

Ofek teaches “a concept by which an array of disks at one location (*i.e.*, a local data facility at a local site) are mirrored by a second array of disks at a remote location (*i.e.*, a remote data facility at a remote site).” *See* col. 3, lines 44-48.

However, even if one would assume that the locations in Ofek might be connected via a network, Ofek does not teach two separate networks, namely an internal and an external network, as required in claims 10 and 16. By contrast, Ofek does not even distinguish between an internal network (which might be the network between the local data facility and the remote location) and an external network, from which data is received. Instead, all data in Ofek is transmitted via one communications link 12. *See* FIG. 1.

Touboul does not remedy the deficiencies of Ofek with respect to claims 5, 10, 16 and 21. Therefore, dependent claims 5, 10, 16 and 21 are also patentable over Ofek in view Touboul for these additional reasons.

II. New Claims

In order to provide more varied protection, Applicant adds claims 23 and 24. Support for the newly added claims is found throughout the specification, *e.g.*, at page 5 of the Specification as filed. Claims 23 and 24 depend from claims 1 and 6, respectively.

The prior art of record does not teach the unique features of claims 23 and 24. Furthermore, claims 23 and 24 are believed to be allowable at least by virtue of their dependencies.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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